

Message Text

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ACTION NEA-10

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FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 2882
INFO AMCONSUL BOMBAY
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AMEMBASSY ISLAMABAD
AMEMBASSY KABUL
AMEMBASSY KATHMANDU
CINCPAC

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CINCPAD FOR POLAD

E.OM 11652: N/A
TAGS: PINT, SHUM, IN
SUBJECT: LOK SABHA REPEALS MISA

REF: NEW DELHI 4656

1. AFTER TWO DAYS OF DEBATE THE LOWER HOUSE OF
PARLIAMENT, THE LOK SABHA, VOTED TO REPEAL THE
MAINTENANCE OF INTERNAL SECURITY ACT (MISA) ON
JLY 19. SUPPORT FOR REPEAL CAME FROM ALL POLITICAL
PARTIES, INCLUDING REPORTEDLY THE CONGRESS(I). THE
GOVERNMENT'S BILL TO REPEAL MISA, INTRODUCED AT THE
END OF THE LAST SESSION OF PARLIAMENT, NOW GOES TO
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THE RAJYA SABHA. OUR SOURCES TELL US THAT DESPITE
THE JANATA'S LACK OF A MAJORITY IN THE UPPER HOUSE,
THE REPEAL BILL IS LIKELY TO BE PASSED EASILY.

2. MISA, ENACTED IN 1971, WAS THE PRIME INSTRUMENT USED
BY MRS. GANDHI TO PUT HER OPPONENTS UNDER PREVENTIVE
DETENTION DURING THE EMERGENCY. IN ITS 1977 CAMPAIGN

MANIFESTO, THE JANATA HAD PLEDGED TO REPEAL MISA AS ONE OF THE "DARK LAWS" ABUSED BY MRS. GANDHI'S REGIME, BUT AFTER COMING TO POWER THE PARTY HAD SECOND THOUGHTS ON THE SUBJECT. A GOVERNMENT PROPOSAL TO REPEAL MISA BUT AMEND THE CRIMINAL PROCEDURE CODE TO ALLOW FOR PREVENTIVE DETENTION AROUSED INTENSE OPPOSITION WITHIN THE RULING PARTY ITSELF, AND ON MARCH 23 THEN-HOME MINISTER CHARAN SINGH ANNOUNCED THE GOVERNMENT'S INTENTION TO REPEAL MISA WITHOUT PROVIDING FOR A SUBSTITUTE AUTHORITY FOR PREVENTIVE DETENTION UNDER THE CR.P.C. THIS RETREAT WAS WIDELY WELCOMED IN BOTH JANATA AND OPPOSITION CIRCLES.

3. IF THE MISA REPEAL BILL PASSES THE UPPER HOUSE, THE CENTRAL GOVERNMENT WILL HAVE GIVEN UP A MAJOR INSTRUMENT FOR PREVENTIVE DETENTION. HOWEVER, SEVERAL STATES (INCLUDING U.P., JAMMU AND KASHMIR AND MADHYA PRADESH) HAVE ENACTED PREVENTIVE DETENTION LAWS--SO-CALLED "MINI-MISA'S"-- ON THEIR OWN.

4. DURING THE DEBATE, MINISTER OF STATE FOR HOME AFFAIRS DHANIK LAL MANDAL STATED THAT AT PRESENT 86 PERSONS ARE BEING DETAINED UNDER MISA; 67 OF THESE ARE REPORTED TO BE PAKISTANIS AND THE REMAINING 19 ARE INDIAN "ANIT-SOCIAL ELEMENTS" HELD IN JAILS IN MAHARASHTRA.
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